



Rusty Rhoades (Lunch \$91.27)  
9/17/2020

Page: 31

1 Q That's pretty specific, isn't it?

2 MR. GASKINS: Object to the form.

3 THE WITNESS: Are you saying -- trying to say  
4 it's the same thing?

5 Q (By Mr. Bowers) Yes, sir.

6 A Yeah.

7 Q Yeah.

8 So as you sit here today, do you deny that  
9 Chief Harrell and Brian Orr cheated on that promotional  
10 exam?

11 MR. GASKINS: Object to form.

12 MR. YAFFE: Same objection.

13 THE WITNESS: Yes.

14 Q (By Mr. Bowers) Sir, how can you deny that when  
15 you just looked at the transcript of Brian Orr providing  
16 the -- getting the same four questions, almost exactly,  
17 that were on the test from the Chief of the Patrol?

18 MR. GASKINS: Object to form.

19 MR. YAFFE: Same.

20 THE WITNESS: Because there was no cheating.

21 Q (By Mr. Bowers) So here's what I don't  
22 understand, sir. Chief Harrell knew the questions. You  
23 have told me that. Right?

24 A Yes.

25 Q Chief Harrell told Brian Orr what areas to

Rusty Rhoades (Lunch \$91.27)  
9/17/2020

Page: 32

1 study?

2 A Yes.

3 Q The areas that Chief Harrell told Brian Orr to  
4 study were the exact four areas that he was then asked  
5 about on the exam that same day. Right?

6 MR. GASKINS: Object to form.

7 THE WITNESS: Yes. I don't know what day, but  
8 if you say the same day.

9 Q (By Mr. Bowers) Whenever the exam was, the very  
10 questions that Chief Harrell provided to Lieutenant Orr  
11 were on the exam?

12 MR. YAFFE: Object to the form.

13 MR. GASKINS: The same.

14 THE WITNESS: The Chief told him areas to  
15 study.

16 Q (By Mr. Bowers) The specific areas that were on  
17 the exam?

18 A Is that a question or a statement?

19 Q Yes, sir. It's a question.

20 A Yeah.

21 MR. YAFFE: Object to the form.

22 MR. GASKINS: Yeah. Same.

23 Q (By Mr. Bowers) How is that not cheating?

24 A There were no answers to the questions  
25 involved. Throughout my entire career, when I was a young

Rusty Rhoades (Lunch \$91.27)  
9/17/2020

Page: 33

1 trooper looking into being promoted, the Director of  
2 Training in the Training Center would actually put on  
3 classes and give guidance to the prospective candidates  
4 prior to any testing on what to study, what to look into,  
5 how to present things. Throughout the years, it's simply  
6 been a process of mentoring people.

7 I have had people ask me, you know, "how do you  
8 study, what do you study." Those things, those questions  
9 are basic. You would expect to see them on pretty much any  
10 promotional board questionnaire. They're not unique. I  
11 have seen those throughout my testing processes. So it's  
12 not unusual for people to study together. It's not unusual  
13 for others to just give guidance on areas to study.

14 Q Is it unusual for someone who knows what the  
15 questions on the promotional exam will be to reveal the  
16 specific questions to a candidate?

17 MR. GASKINS: Object to form.

18 MR. YAFFE: Same.

19 THE WITNESS: In the context, it could or  
20 couldn't be.

21 Q (By Mr. Bowers) You mentioned the Director of  
22 Training putting on presentations.

23 A Uh-huh.

24 Q Did the Director of Training who put on these  
25 presentations that you participated in sit as a member on

Rusty Rhoades (Lunch \$91.27)  
9/17/2020

Page: 42

1 to what I would say.

2 Q (By Mr. Bowers) Why would you deny it, sir?

3 A Because he gave -- he told him areas to study.  
4 That's my statement.

5 Q And the four -- and he told him areas to study,  
6 and all of those areas of study were on the test?

7 A Yes.

8 Q The only areas of study he told him to look at  
9 were on the test?

10 A Yes.

11 Q He didn't give him some other areas that  
12 weren't tested?

13 A No.

14 Q He knew what the questions were?

15 A Yes.

16 Q You have talked about this cheating with many  
17 people since July of 2018. Is that fair?

18 A What constitutes "many"? I -- I have to back  
19 up. I don't understand what you're asking me about  
20 cheating, talking about it.

21 Q The subject. I am not saying you need to admit  
22 that anybody cheated. I am just saying you have had  
23 conversations with many people over the course of time  
24 about this conversation between Harrell and Orr?

25 A Not "many."

Rusty Rhoades (Lunch \$91.27)  
9/17/2020

Page: 43

1 Q You have talked to Megan Simpson about it?

2 MR. GASKINS: I am going to object on  
3 attorney-client privilege of any conversations that he had  
4 with Megan Simpson when they were both still employed by  
5 the State.

6 MR. BOWERS: Well, let's start by the fact that  
7 you agree with me -- right? -- that the fact that a  
8 conversation occurred isn't privileged?

9 MR. GASKINS: Right.

10 MR. BOWERS: So that's my first question.

11 Q (By Mr. Bowers) Did you ever have a discussion  
12 with Megan Simpson about Chief Orr and Brian -- Chief  
13 Harrell and Brian Orr's conversation in the Tahoe?

14 A Yes.

15 Q Did you discuss that conversation with Chief  
16 Harrell?

17 MR. YAFFE: Object to the form.

18 MR. GASKINS: Same.

19 MR. YAFFE: I don't know what conversation  
20 you're talking about.

21 THE WITNESS: At some point, I am sure.

22 Q (By Mr. Bowers) Did you discuss that  
23 conversation with Brian Orr?

24 MR. YAFFE: Same objection.

25 THE WITNESS: Again, at some point. Yes.